

REMARKS

We are herewith filing a Request for Continued Examination under 37 C.F.R. 1.114 and the requisite fee. We are asking for the withdrawal of the finality of the final rejection, and requesting reconsideration based upon entry of this Amendment and in view of the following remarks.

Claims 41-74 and 77-99 are pending in this application. The subject matter is being represented as newly added claims 100-125 including new independent claims 100, 114, and 123. Claims 41-74 and 77-99 have been canceled. Claims 41-74 and 77-99 were rejected in a Final Office Action dated October 31, 2005. The Examiner has stated that the previous remarks submitted in response to the February 8, 2005 office action were not overcome. In response to the Office Action, please enter and consider the remarks provided herein and editorially amend the above-identified patent application, as indicated.

Claims 100 through 125 have been added to represent and clarify the invention. No new matter has been added. Support for the new claims can be found throughout the specification and in particular from page 3, column 2 through page 4 column 2, from page 1, column 1 through page 2, column 1, at Figures 4 and 5, at page 4, paragraph 40, at Example 1, and at Table 1, Example 6. (page and column reference locations are given with reference to the published version of the pending patent application, U.S. Patent Application Publication No. 2002/0172792).

Rejections Under 35 U.S.C. § 102(b)

Claims 41-42, 44, 46-47, 50-51, and 53-57 have been rejected under 35 USC § 102(b) as being anticipated by Gaylord, Jr. et al. Claims 63-64, and 70-71 have been

rejected under 35 U.S.C. § 102(b) as being anticipated by Gaylord, Jr. et al. Applicants respectfully traverse this rejection.

It is first respectfully pointed out that claims 41-42, 44, 46-47, 50-51, and 53-57 have been canceled thereby mooted this rejection. However, as new claims have been added, Applicants are proffering the following comments with regard to the reference. U.S. Patent 3,970,079 (Gaylord, Jr. et al.) is directed to inapposite subject matter, namely, the particular object of Gaylord, Jr. et al. is to provide an elongate body support binder wherein adjacent panels are joined by a strip of plastic material which serves to provide sufficient resistance to lateral bending to effectively prevent rolling of the side edges of the panels during use (see col.1, ll. 39-45; see also col. 2, ll. 57-60; and claims 1, 5, 9, 10, 12, 14, 16 and all claims depending therefrom). A flexible seam would not be desired for use in the support binder of Gaylord, Jr. et al. As acknowledged by the Examiner in the Office Action dated February 8, 2005, at page 5, Gaylord, Jr. et al. fails to disclose multiple layers in the tape portion. Further acknowledged at page 5, is that Gaylord, Jr. et al. fails to disclose a tape portion having thermoplastic material layer having a first thermal melting point and a second thermoplastic material layer having a second (different) thermal melting temperature. Further still, it is acknowledged that tape portion having thermoplastic material layer having a first thermal melting point fails to teach that at least one of the tape portions comprise polyurethane.

Nowhere does Gaylord, Jr. et al. teach, suggest or provide any motivation to create a layered stitchless seam comprising two substrates and at least one tape portion oriented such that a flexible multilayered seam including at least five layers results.

Thus, Gaylord, Jr. et al. cannot be held to anticipate the claims of this application as Gaylord, Jr. et al. does not teach all of the elements of the claims of this application.

Reconsideration and withdrawal of this rejection is requested in view of the above remarks and claim amendments herewith.

Rejections Under 35 U.S.C. § 103(a)

Claims 43, 48-49, 56, 58-61, 77, 79-87, 83, 86, 88-93, and 98-99 have been rejected under 35 U.S.C § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Obayashi et al.

Claims 67-69, 72-74, 91-93, 96, and 98-99 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Obayashi et al.

Claims 45, 55, 62, 78 and 85 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Benstock et al.

Claims 65, and 95 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Benstock et al.

Claims 52 and 82 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Arakawa et al.

Claims 54 and 84 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Wilhoit et al.

Claims 66 and 94 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Wilhoit et al.

Claim 87 has been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Obayashi et al.

Claim 97 has been rejected under 35 U.S.C. § 103(a) as being anticipated by Gaylord, Jr. et al. in view of Obayashi et al.

Applicants respectfully traverse these above stated rejections.

It is first respectfully pointed out that claims 41-74 and claims 77-99 have been canceled thereby mooted these rejections. However, as new claims 100-125 have been added to clarify the invention the following comments are provided. As state *supra*, Gaylord, Jr. et al. fails to teach all of the limitations of the claims. U.S. Patent 4,410,575 (Obayashi). fails to provide Gaylord, Jr. et al. with the requisite teaching or suggestions to make the present invention make the present invention obvious alone or in combination with any other proffered art. One of skill would not look to Gaylord, Jr. et al. to provide teachings on a flexible seam.

Assuming *arguendo* that Gaylord, Jr. et al. was combined with Obayashi the present invention would not be taught or suggested. Neither of the references teach a flexible seam between at least five layers, as can be found in the pending claims.

Obayashi teaches a three layer bonded seam which comprise non-melted side edge portions of the tape forming fin-shaped projections extending from the weld, column 5, lines 18-28. The fin-shaped projections can be deformed as shown in Figures 4-6 of the Obayashi reference. The fin-shaped projections are not part of a welded seam. It is not taught or suggested that the fins could be part of a multilayer seam including at least five layers.

Similarly, Benstock et al. (500392); Arakawa et al. (5,591,521); Yoshii and Wilhoit et al. (6,096,420) all fail to provide the requisite teachings when combined with Gaylord

Jr. et al. to make obvious a multilayer flexible seam including at least five layers as found in the presently pending claims.

Reconsideration and withdrawal of this rejection is requested in view of the above remarks and claim amendments herewith.

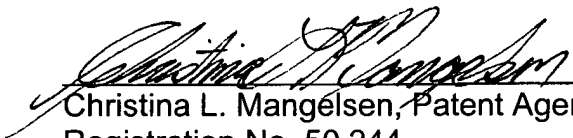
Conclusion

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Rhee is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this response to Deposit Account No. 04-1403.

Respectfully submitted,

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